

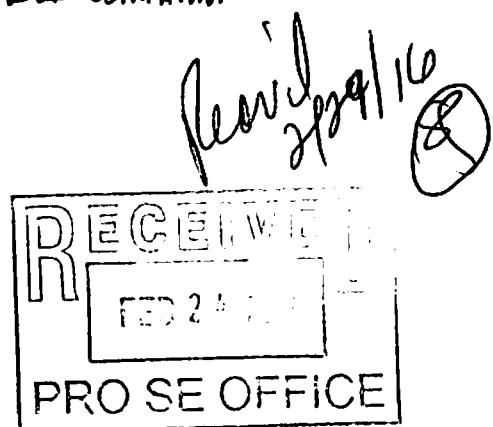
ORIGINAL

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE # : 1:16-cv-00406-ENV-RML

PARTIES

1. Elliot Payne, Plaintiff
2. Patricia Atkins-Payne, Plaintiff
3. City of New York, Defendants
4. Lieutenant Edwards, Defendant
5. Doe 1, a New York City police officer
6. Doe 2, a New York City police officer
7. Doe 3, a New York City police officer
8. Doe 4, a New York City police officer
9. Doe 5, a New York City police officer
10. Doe 6, a New York City police officer

AMENDED COMPLAINT



JURISDICTION

11. The Court has jurisdiction pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331.

STATEMENT OF FACTS

12. On the night of October 22, 2014, Plaintiff Patricia Atkins-Payne saw three New York City police cars in front of my residence, 861 E 46th Street, Private House, Brooklyn, New York 11203.
13. Ms. Payne is sole owner of the residence.
14. Six police officers entered Ms. Payne's basement through a

basement entrance. The police officers did not present or offer any search or arrest Warrant.

15. The police officers questioned Ms. Payne's Son, Plaintiff Elliot Payne, who lives in her basement, including asking him whether he had a knife.
16. Elliot told the officers that he did not have a knife.
17. The Police officers searched the entire basement, including Elliot's bedroom, kitchen, and utility room. They opened the closet door, opened Elliot's bedroom dresser and Searched the drawers, and open Elliot's closet, and Searched inside the closet.
18. The police officers searched for approximately Twenty Minutes and did not find a knife.
19. Ms. Payne asked the police officers what they would do, since they did not find any knife, and the police officers informed Ms. Payne that they would call their Lieutenant.
20. Some of the police officers left the basement to call their Lieutenant.
21. Another police officer entered the basement approximately one half hour later and identified himself as Lieutenant Edwards. He also did not have a Warrant.
22. Lieutenant Edwards then searched the basement himself. Specifically, he went inside Elliot's bedroom, pulled the closet door open, and Searched through Elliot's clothing. He also opened up the dresser drawers and rifled through the drawers.

23. Lieutenant Edwards also did not find any knife.
24. Ms. Payne then asked the police officers what they would do, now no knife was found. She explained that the police officers were causing stress to Elliot's father David Payne, who witnessed the searches and had suffered a traumatic brain-injury in the past from his last place of employment and is disabled.
25. Lieutenant Edwards stated that he was going to arrest Elliot and "let the judge decide what to do with [Elliot]."
26. Two officers then put Elliot in hand-cuffs and took him to the 67th precinct.
27. Elliot stayed in jail overnight and was arraigned the next day.
28. At no point did the police officers or Lieutenant Edwards show or mention any Warrant for arrest or for Search.
29. The police officers and Lieutenant Edwards did not have probable cause to search the apartment or to arrest Elliot. No knife was ever found in the apartment.
30. Elliot's above Case - To be Dismissed & Sealed-Number: 578507 on 3/9/16-Apt.

WHEREFORE, Plaintiffs request a finding that their rights were violated and an award of damages for loss of liberty and emotional distress caused by the false arrest (Elliot), and for loss of liberty caused by the search of the premises without probable cause in violation of Plaintiffs' Fourth Amendment rights. Patricia Atkins-Payne and Elliot O. Payne damages in the sum amount of \$4.5 Million, with costs and Disbursements of this action together with any other relief that this court finds to be just and proper.

Dated: February 24, 2016

Elliott Payne

Patricia Atkins-Payne

OPTION SELECTED: LAST 2 + NEXT APPEARANCES

NAME: PAYNE, ELLIOT O

CCN: 66864957 Z

NYSID #:

DOCKET: 2014KN079805

ARREST #: K14695177

03/09/2016 (ACD) AP6

03/10/2015 (OPEN) AP6 JDG:EDWARDS,C RPTR:INGRAVALLO, NT ACD55 TO

02/26/2015 (OPEN) AP6 JDG:KALISH,R RPTR:RUSSO, NT C TOP
PC

COMMAND: MESSAGE:

604 E

6th floor

Case 1:16-cv-00406-ENV-RML Document 1 Filed 01/20/16 Page 4 of 10 PageID #: 10

ATTACHMENT PAGE 1

UID#: 10012505900

OCTOBER 23, 2014

A

ARRESTS:

10/22/2014 MENACING -2ND, PL 120.14, HARASSMENT -2ND,
PL 240.26, COURT CONTROL #66864957Z, KINGS COUNTY CRIMINAL
COURT.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK
VS

PAYNE, ELLIOT O
Defendant

CERTIFICATE OF DISPOSITION
NUMBER: 578507

Address [REDACTED]

City [REDACTED] State Zip [REDACTED]

Docket Number: 2014KN079805

120.14 240.26 265.01 120.15
Arraignment Charges

Date of Birth [REDACTED]

NYSID Number [REDACTED]

10/22/2014
Date of Arrest/Issue

Summons No:

Case Disposition Information:

<u>Date</u>	<u>Court Action</u>	<u>Judge</u>	<u>Part</u>
03/10/2015	ADJOURNED - CPL SECTION 170.55	EDWARDS, C	AP6

2/27/16 - To be DISMISSED & Sealed

160:50 on 3/9/16 - AP6.

NO FEE CERTIFICATION

GOVERNMENT AGENCY COUNSEL ASSIGNED

NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED

SOURCE ACCUSATORY INSTRUMENT DOCKET BOOK/CRIMS CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

DUNNOM, M - MA Dunnom72
COURT OFFICIAL SIGNATURE AND SEAL

02/24/2016

DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)